



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Third day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5040 of 2015

SANKAR RAJAN

... PETITIONER / ACCUSED

RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KULATHOOR POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.113/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.PALA.RAMASAMY, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

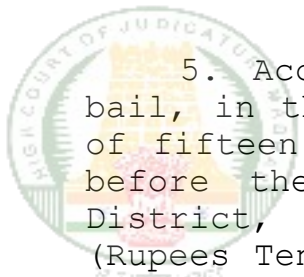
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.113 of 2014, on the file of the respondent police for offences under Sections 304(ii) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate.

3. It is the case of the prosecution that one Gunasekaran had applied for a car loan with the State Bank of India, Tuticorin, Bazaar Branch, where this petitioner is working as a Branch Manager. The car loan was given and the said Gunasekaran purchased a Hyundai car. Thereafter, he did not pay the EMI and therefore, the car was seized and was kept in the compound of the bank. While so, four children, who found that the car opened, get into it and were playing. Thereafter they had inadvertently locked the car and they do not know how to open the car and they appear to have died of suffocation. In connection with this, one Karthick and Anand, who had seized the car and left it in the compound of the branch, were arrested by the police and released on bail.

4. The petitioner is the Branch Manager of State Bank of India, Tuticorin Branch, and the allegations against him is that he was negligent and had not locked the car. Though the incident, where four children had lost their lives, is indeed very sad, the Branch manager cannot be made criminally liable as no one would have anticipated such accidents. Taking into consideration the facts and circumstances of the case, this Court is of the view that it is a fit case to grant anticipatory bail, but with conditions.



5. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, Tuticorin District, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall appear before the respondent police everyday at 6.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

23/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, VILATHIKULAM, TUTICORIN DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE, KULATHOOR POLICE STATION,
TUTICORIN DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PALA.RAMASAMY, Advocate SR.No.13975.

ORDER IN

CRL OP(MD) No.5040 of 2015

Date :23/03/2015

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